From: Elijah Menifee
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

I believe that the proposed settlement will NOT solve the problems arising from Microsoft's monopoly. The proposed settlement does not take into account ISVs working on competing Operating Systems that would be interoperable with Microsoft Products. In sectins III.D. and III.E. of the PFJ the api information that microsoft would be required to release uses "for the sole purpose of interoperating with a Windows Operating System Product". This does not allow ISVs to use the released information to write a more secure Operating System to run Microsoft Middleware/Microsoft Applications on. This only allows competion in the Application/Middleware market, leaving Microsoft a Monopoly in the Operating System Product market. I think many of Microsoft's product offerings are good products, such as the Office suite. I however do not currently use such products because I personally find that the Microsoft Operating System is not flexable or secure enough for my day to day work. One ISV that I am aware of(Lindows.com, Inc.) is attempting to write a competing Operating System, that would allow me to run the Mircrosoft Office on a more flexable and secure OS. The PFJ as it stands would specifically exclude them from using the microsoft released APIs to interoperate with the Windows Application Products that I would like to use. In my opinion the PFJ needs to be modified to exclude the clause "for the sole purpose of interoperating with a Windows Operating System Product", and replaced with a phrase similar to "for the purpose of interoperating with a Microsoft Product".

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